

REMARKS

This Response and Amendment is filed in response to the Office Action dated February 15, 2006.

Claims 2-8, 10-30, and 32 are pending in this application. The Applicant gratefully acknowledges the Examiner's allowance of Claims 11, 12, and 21-23. By this Amendment, Claim 6 is amended and Claim 33 is added, leaving Claims 2-5, 7, 8, 10-30, and 32 unchanged.

On page 2 of the Office Action, Claims 2-8, 10, 13-15, 18-20, 24-30, and 32 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,088,883 issued to Focke et al. (hereinafter "Focke"). On page 3 of the Office Action, Claims 16 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Focke in view of U.S. Patent No. 6,135,705 issued to Katoch.

Independent Claim 10 recites (underlining added for emphasis):

A storage device for storing trays, comprising:

a first rotatable member;

a second rotatable member positioned opposite the first rotatable member, the first and second rotatable members adapted to selectively support at least one tray therebetween; and

at least one transfer mechanism including a lifter, the same lifter being movable relative to the tray to both selectively insert and remove the tray between the first and second rotatable members.

Focke does not teach or suggest a transfer mechanism including a lifter, the same lifter being movable relative to a tray to both selectively insert and remove the tray between first and second rotatable members. Rather, Focke discloses an apparatus for lifting packs 11 including a conveyor 12, rotating conveying segments 16, 17 on opposite sides of the conveyor 12, oscillating holding segments 18, 19 coaxially positioned relative to the rotating conveying segments 16, 17, and a discharge conveyor 15 higher than the conveyor 12. During operation of the apparatus, successive packs 11 are moved into a position between the rotating conveying segments 16, 17 by the conveyor 12. The segments 16, 17 are driven in opposite directions, such

that curvatures 22 on the segments 16, 17 engage the bottom surface of the pack 11 and lift the pack 11 from the conveyor 12 (see FIG. 2a). As the pack is lifted by the segments 16, 17, the oscillating holding segments 18, 19 move out of the way to allow the segments 16, 17 to lift the pack 11 to a position higher than the oscillating holding segments 18, 19 (see FIGS. 2b and 2c). The oscillating holding segments 18, 19 then move back below the pack 11, while continued rotation of the segments 16, 17 causes the pack 11 to slide down sloped edges 26 of the segments 16, 17 and be lowered onto the oscillating holding segments 18, 19 (see FIGS. 2c and 2d). Stacks 13 are formed by the segments 16, 17 lifting successive packs 11. A pusher 14 moves the stacks 13 onto the discharge conveyor 15 (see FIG. 1).

With respect to independent Claim 10, on the marked-up cover sheet of Focke provided in the Office Action, the Examiner suggests that the segments 16, 17 are rotatable in both directions to both insert the packs 11 in a position between the oscillating holding segments 18, 19 and remove the packs 11 from a position between the oscillating holding segments 18, 19. The Applicant respectfully submits that the packs 11 cannot be removed from a position between the oscillating holding segments 18, 19 by merely changing the direction of rotation of the segments 16, 17, as suggested by the Examiner. Particularly, if the direction of rotation of the segments 16, 17 is reversed from that shown in FIGS. 2a-2d, the edges 26 of the segments 16, 17 would bluntly impact the sides of the lower-most pack 11 supported on the oscillating holding segments 18, 19. Focke fails to teach or suggest that the direction of rotation of the segments 16, 17 may be reversed to lift the packs 11 from the oscillating holding segments 18, 19 and remove the packs 11 from a position between the segments 18, 19.

Also, with respect to independent Claim 10, the Examiner also provided a page from Focke in the Office Action, in which lines 14-29 in column 3 were circled by the Examiner to support his suggestion that the segments 16, 17 are rotatable in both directions to both insert the packs 11 in a position between the oscillating holding segments 18, 19 and remove the packs 11 from a position between the oscillating holding segments 18, 19. The Applicant respectfully submits that the circled text merely describes the motion of the rotating segments 16, 17 as shown in FIG. 2c of Focke. Particularly, the circled text describes the slopes 26 on the segments 16, 17 which allow the pack 11 to be deposited softly and gently on the holding segments 18, 19.

The Applicant respectfully submits that the circled text does not suggest that the segments 16, 17 are rotatable in both directions to both insert the packs 11 in a position between the oscillating holding segments 18, 19 and remove the packs 11 from a position between the oscillating holding segments 18, 19.

Accordingly, the Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of independent Claim 10.

Claims 2-5, 7, 8, 13-15, 18-20, 24-26, and 32 are each ultimately dependent upon independent Claim 10, and are believed to be allowable based upon independent Claim 10 and upon other features and elements claimed in Claims 2-8, 13-15, 18-20, and 24-26 but not discussed herein.

Dependent Claim 6 recites (underlining added for emphasis):

The storage device of Claim 10, wherein the first and second rotatable members include teeth extending from their respective outer surfaces, and wherein the teeth engage a lip on the tray to lift the tray off of the lifter.

With respect to Claim 6, Focke does not teach or suggest first and second rotatable members having teeth extending from their respective outer surfaces which engage a lip on the tray to lift the tray off of the lifter. Rather, Focke discloses that the oscillating holding segments 18, 19 include respective arcuate surfaces which engage and support the packs 11 (see FIG. 2d), and that the packs 11 are lifted only by the rotating segments 16, 17 for placement onto the oscillating holding segments 18, 19. Focke fails to teach or suggest that the oscillating holding segments 18, 19 can include teeth to engage any portion of the pack 11. Focke also fails to teach or suggest that the oscillating holding segments 18, 19 can lift the pack 11 off of the rotating segments 16, 17.

The Applicant respectfully submits that Claim 6 presents allowable subject matter in addition to that in independent Claim 10, and respectfully requests favorable consideration of Claim 6 by the Examiner.

Newly-added dependent Claim 33 recites (underlining added for emphasis):

The storage device of Claim 10, wherein the first and second rotatable members include teeth extending from their respective outer surfaces, and wherein the teeth engage a lip on the tray to lower the tray onto the lifter.

With respect to Claim 10, Focke does not teach or suggest first and second rotatable members having teeth extending from their respective outer surfaces which engage a lip on the tray to lower the tray onto the lifter. Rather, Focke discloses that the oscillating holding segments 18, 19 include respective arcuate surfaces which engage and support the packs 11 (see FIG. 2d), and that the packs 11, once lifted onto the oscillating holding segments 18, 19 by the rotating segments 16, 17, are not lowered back onto the rotating segments 16, 17 by the holding segments 18, 19. Focke fails to teach or suggest that the oscillating holding segments 18, 19 can include teeth to engage any portion of the pack 11. Focke also fails to teach or suggest that the oscillating holding segments 18, 19 can lower the pack 11 back onto the rotating segments 16, 17.

The Applicant respectfully submits that newly-added Claim 33 presents allowable subject matter in addition to that in independent Claim 10, and respectfully requests favorable consideration of Claim 33 by the Examiner.

Independent Claim 27 recites (underlining added for emphasis):

A method for storing trays, comprising:
transporting a first tray to a transfer position;
lifting the first tray from the transfer position to a storage position;
supporting the first tray in the storage position by two opposed rotatable members; and
lowering the first tray from the storage position to the transfer position.

With respect to independent Claim 27, Focke does not teach or suggest a method for storing trays including lifting a tray from a transfer position to a storage position, supporting the tray in the storage position by two opposed rotatable members, and lowering the tray from the

storage position to the transfer position. Rather, Focke discloses successive packs 11 being lifted by the segments 16, 17 and stacks 13 being moved onto the discharge conveyor 15 by the pusher 14.

On the marked-up cover sheet of Focke provided in the Office Action, the Examiner suggests that the segments 16, 17 are rotatable in both directions to both lift packs 11 from the conveyor 12 and lower packs 11 onto the conveyor 12. The Applicant respectfully submits that the packs 11 cannot be lowered onto the conveyor 12 merely by changing the direction of rotation of the segments 16, 17, as suggested by the Examiner. Particularly, if the direction of rotation of the segments 16, 17 is reversed from that shown in FIGS. 2a-2d, the edges 26 of the segments 16, 17 would bluntly impact the sides of the lower-most pack 11 supported on the oscillating holding segments 18, 19. Focke fails to teach or suggest that the direction of rotation of the segments 16, 17 may be reversed to lift the packs 11 from the oscillating holding segments 18, 19 and lower the packs 11 onto the conveyor 12.

Even if the segments 16, 17, by changing their direction of rotation, are capable of lifting the lower-most pack 11 from the oscillating holding segments 18, 19, the entire stack 13 would be lowered with the lower-most pack 11 toward the conveyor 12. Because the segments 16, 17, 18, 19 are not capable of lowering only a single pack 11 (e.g., the "first tray") onto the conveyor 12, the oscillating holding segments 18, 19 would crush the pack 11 directly above the lower-most pack 11 (now positioned on the conveyor 12) when the oscillating holding segments 18, 19 move back to the position shown in FIG. 2a.

Accordingly, the Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of independent Claim 27.

Claims 28-30 are each ultimately dependent upon independent Claim 27, and are believed to be allowable based upon independent Claim 27 and upon other features and elements claimed in Claims 28-30 but not discussed herein.

Independent Claim 16 recites (underlining added for emphasis):

A storage device for storing trays, comprising:

a first rotatable member;

a second rotatable member positioned opposite the first rotatable member, the first and second rotatable members adapted to selectively support at least one tray therebetween; and

at least one transfer mechanism including a lifter, the same lifter being movable relative to the tray to both selectively insert and remove the tray between the first and second rotatable members,

wherein the first rotatable member is driven by a first motor, and the second rotatable member is driven by a second motor.

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §2143.

With respect to independent Claim 16, neither Focke, Katoch, nor any combination thereof teach or suggest a transfer mechanism including a lifter, the same lifter being movable relative to a tray to both selectively insert and remove the tray between first and second rotatable members. Rather, Katoch discloses a lifting section 20 including lifting panels 37, 38 connected to a left-side belt 31 and lifting panels 35, 36 connected to a right-side belt 32. The left-side belt 31 is driven by a motor 71, while the right-side belt 32 is driven by another motor 72. During operation of the lifting section 20, packages 9 are lifted off of lower conveyor belts 13 by the lifting panels 36, 38 and 35, 37 and stacked between posts 21-24.

The Applicant respectfully submits that the arguments presented above with respect to Focke and independent Claim 10 apply with equal weight to independent Claim 16. In addition, Katoch fails to teach or suggest that the packages 9 may be supported between rotatable members, that the lifting panels 35-38 may insert the packages 9 between rotatable members, and that the direction of rotation of the belts 31, 32 may be reversed to cause the panels 35-38 to remove the packages 9 from a position between rotatable members.

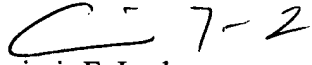
Accordingly, the Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of independent Claim 16.

Claim 17 is ultimately dependent upon independent Claim 16, and is believed to be allowable based upon independent Claim 16 and upon other features and elements claimed in Claim 17 but not discussed herein.

CONCLUSION

In view of the amendments and remarks presented herein, it is respectfully submitted that the claims as amended are in condition for allowance. The Applicant kindly requests that the Examiner telephone the attorneys of record in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,


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